

Joyce W. Lindauer
State Bar No. 21555700
Sarah M. Cox
California State Bar No. 245475
Jamie N. Kirk
State Bar No. 24076485
Jeffery M. Veteto
State Bar No. 24098548
Joyce W. Lindauer Attorney, PLLC
12720 Hillcrest Road, Suite 625
Dallas, Texas 75230
Telephone: (972) 503-4033
Facsimile: (972) 503-4034
PROPOSED ATTORNEYS FOR DEBTOR

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

SUNRISE TRUCKING INC.,

Debtor.

§
§
§
§
§

CASE NO. 17-40860-btr

Chapter 11

DEBTOR'S APPLICATION TO EMPLOY COUNSEL

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT ANY SCHEDULED HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW SunRise Trucking Inc. (“Debtor”), Debtor in the above-styled and numbered case, and files this its Application to Employ Counsel, and in support of same would respectfully show the Court as follows:

1. Debtor filed its voluntary petition under Chapter 11, title 11, of the United States Bankruptcy Code on April 27, 2017, in the United States Bankruptcy Court for the Eastern District of Texas, Sherman Division.

2. In order to effectuate a reorganization, propose a Plan of Reorganization and effectively move forward in its bankruptcy proceeding, Debtor desires to hire Joyce W. Lindauer Attorney, PLLC as counsel in this matter.

3. Joyce W. Lindauer is the owner of Joyce W. Lindauer Attorney, PLLC and is an attorney practicing primarily bankruptcy law at 12720 Hillcrest Road, Suite 625, Dallas, Texas 75230, (972) 503-4033. Sarah M. Cox, Jamie N. Kirk and Jeffery M. Veteto are associate attorneys working for Ms. Lindauer.

4. Ms. Lindauer, Ms. Cox, Ms. Kirk and Mr. Veteto are to be referred to herein as “Counsel”.

5. Counsel have been chosen by Debtor in that they are experienced in bankruptcy matters and have represented debtors and debtors-in-possession in numerous proceedings before the bankruptcy courts. The Debtor seeks to retain Counsel to represent it in this matter.

6. Pursuant to Bankruptcy Rule 2014(a), the Affidavit of Joyce W. Lindauer is attached hereto as **Exhibit “A”** and attests that she and the members of her firm do not presently hold or represent any interest adverse to the interests of the Debtor or its estate and are disinterested within the meaning of 11 U.S.C. § 101(14) to the best of her knowledge, information, and belief.

7. Joyce W. Lindauer has been paid a retainer of \$3,000.00 which included the filing fee of \$1,717.00 in connection with this proceeding. The Statement required to be filed pursuant to Bankruptcy Rule 2016 is on file in this proceeding.

8. Counsel has agreed to represent the Debtor on the terms set forth in this Application. The compensation to be paid to Ms. Lindauer shall be \$395.00 per hour, Ms. Cox shall be \$225.00, Ms. Kirk shall be \$195.00 per hour, and Mr. Veteto shall be \$185.00 per hour. Paralegals and legal assistants are billed at \$65.00 to \$125.00 per hour.

9. These hourly rates are those regularly charged by Counsel for services rendered by the respective partners, associates, paralegals, and legal assistants for legal services rendered in similar bankruptcy matters. The hourly rates may be modified by Counsel in the ordinary course of their business. The charges for such services are fair and reasonable and within the normal range for services rendered in similar cases within the Eastern District of Texas. The Debtor has agreed to reimburse Counsel for all reasonable out-of-pocket expenses incurred on Debtor's behalf.

10. Pursuant to the provisions of Bankruptcy Rule 2016(b) and Bankruptcy Code § 330, Counsel will file with the Court requests for allowance of payment of fees and expenses incurred by them during the pendency of this bankruptcy matter.

11. Debtor believes the employment of Counsel is in the best interest of the Debtor's bankruptcy estate. Further, the Debtor believes it is necessary to retain Counsel immediately for the purpose of proposing a Plan of Reorganization and defending the Debtor in various matters arising in this case.

12. Counsel currently represents Michael Chad Dalebout and Ladona Dalebout in their Chapter 13 bankruptcy case pending before this Court. Mr. and Mrs. Dalebout are the 100%

owners and managing members of the Debtor. Mr. and Mrs. Dalebout have requested that their Chapter 13 case be converted to a case under Chapter 11.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully requests this Court to enter an Order approving the employment of Joyce W. Lindauer Attorney, PLLC as counsel for Debtor, upon the terms and conditions contained herein, and for such other and further relief, at law or in equity, to which Debtor may show itself justly entitled.

Dated: May 2, 2017.

Respectfully submitted,

/s/ Joyce W. Lindauer

Joyce W. Lindauer
State Bar No. 21555700
Sarah M. Cox
California Bar No. 245475
Jamie N. Kirk
State Bar No. 24076485
Jeffery M. Veteto
State Bar No. 24098548
Joyce W. Lindauer Attorney, PLLC
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Dallas, Texas 75230
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Facsimile: (972) 503-4034
PROPOSED ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 2, 2017, a true and correct copy of the foregoing document was served via United States first class mail, postage prepaid, upon the U.S. Trustee and the parties on the attached service list.

/s/ Joyce W. Lindauer

Joyce W. Lindauer

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

SUNRISE TRUCKING INC.,

Debtor.

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§

CASE NO. 17-40860-btr

Chapter 11

AFFIDAVIT OF JOYCE W. LINDAUER

STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME the undersigned authority, on this day personally appeared the undersigned affiant, who by me sworn, upon oath stated:

1. “My name is Joyce W. Lindauer and I am over eighteen (18) years of age. I am duly admitted to practice law in the State of Texas and the United States Bankruptcy Court for the Eastern District of Texas. I am the owner of the law practice Joyce W. Lindauer Attorney, PLLC (the “Firm”) and office at 12720 Hillcrest Road, Suite 625, Dallas, Texas 75230. Sarah M. Cox, Jamie N. Kirk and Jeffery M. Veteto are Associates of the Firm.

2. I have never been convicted of a crime and am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein and they are all true and correct. I make this Affidavit in support of the Debtor's Application to Employ Counsel.

3. Neither I, nor any member of the Firm, is a creditor, equity security holder, or an insider of the Debtor. Neither I, nor any member of the Firm, are and have not been within two (2) years prior to the filing of the petition, a director, officer or employee of the Debtor.

4. Neither I, nor any member of the Firm, hold any interest adverse to the estate, or of any class of creditors or equity security holders by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor in the above-styled bankruptcy case and in the matters upon which the Firm is to be engaged as attorney for Debtor.

5. Neither I, Joyce W. Lindauer Attorney, PLLC, nor any partner, counsel, or associate thereof, insofar as I have been able to ascertain, have any connection with the Debtor or its creditors, the United States Trustee, persons employed in the United States Trustee's office, or any other potential parties-in-interest herein, or their respective attorneys.

6. Additionally, the proposed employment of the Firm is not prohibited by or improper under Bankruptcy Rule 5002. I am not related, and to the best of my knowledge, no attorney at the Firm is related, to any United States Bankruptcy Judge or District Court Judge for the Eastern District of Texas or the United States Trustee for such district or any employee in the office thereof.

7. To the best of my knowledge, I and each member of the Firm is presently a disinterested person as defined in Section 101(14) of the Bankruptcy Code.

8. The disclosures identified above are based upon all information reasonably available to the Firm at the time of submission of this Affidavit. To the extent necessary, the Firm

will supplement this Affidavit as may be required by the Bankruptcy Code and Bankruptcy Rules if and when any other relationships exist or are modified such that further disclosure is required.

9. Subject to Court approval, and in accordance with § 330(a) of the Bankruptcy Code, compensation will be payable to the Firm on an hourly basis, plus reimbursement of actual, necessary expenses incurred by the Firm. The primary attorneys and paralegal within the Firm who will represent the Debtor and their hourly rates are set forth below.

Joyce W. Lindauer	\$395.00
Sarah M. Cox, Associate	\$225.00
Jamie N. Kirk, Associate	\$195.00
Jeffery M. Veteto, Associate	\$185.00
Dian Gwinnup, Paralegal	\$125.00

10. These hourly rates are those regularly charged by the Firm for services rendered by the respective partners, associates, paralegals, and legal assistants for legal services rendered in similar bankruptcy matters. The hourly rates may be modified by the Firm in the ordinary course of its business. The charges for such services are fair and reasonable and within the normal range for services rendered in similar cases within the Eastern District of Texas. The Debtor has agreed to reimburse the Firm for all reasonable out-of-pocket expenses incurred on Debtor's behalf.

11. Prior to the petition date, the Firm received a retainer of \$3,000.00 which included the filing fee of \$1,717.00 in connection with this proceeding. The Statement required to be filed pursuant to Bankruptcy Rule 2016 is on file in this proceeding.

12. No promises have been received by the Firm, nor any partner, counsel, nor associate thereof, as to compensation in connection with this case other than in accordance with the provisions of the Bankruptcy Code. The Firm has no agreement with any other entity to share with such entity any compensation received by the Firm in connection with this case.

13. Counsel currently represents Michael Chad Dalebout and Ladona Dalebout in their Chapter 13 bankruptcy case pending before this Court. Mr. and Mrs. Dalebout are the 100% owners and managing members of the Debtor. Mr. and Mrs. Dalebout have requested that their Chapter 13 case be converted to a case under Chapter 11.

EXECUTED this 2nd day of May, 2017.

/s/ Joyce W. Lindauer
Joyce W. Lindauer

Subscribed and sworn to before me this 2nd day of May, 2017.

/s/ Dian Gwinnup
Notary Public in and for the State of Texas
Printed Name: Dian Gwinnup

My Commission Expires: January 22, 2021

Label Matrix for local noticing
0540-4
Case 17-40860
Eastern District of Texas
Sherman
Mon May 1 11:59:19 CDT 2017

ABC/Amega
500 Seneca Street Ste 400
Buffalo, NY 14204-1963

Attorney General of Texas
Bankruptcy Division
PO Box 12548
Austin, TX 78711-2548

BMO
P.O. Box 3040
Cedar Rapid, IA 52406-3040

BMO
P.O. Box 3040
Cedar Rapids, IA 52406-3040

Eboney Cobb
Perdue Brandon Fielder Collins & Mott
500 E. Border Street, Suite 640
Arlington, TX 76010-7457

(p)TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION
PO BOX 13528
AUSTIN TX 78711-3528

Internal Revenue Service
Centralized Insolvency
PO Box 7346
Philadelphia, PA 19101-7346

Internal Revenue Service
Mail Code DAL-5020
1100 Commerce Street
Dallas, Texas 75242-1100

Joyce W. Lindauer
12720 Hillcrest Road
Suite 625
Dallas, TX 75230-2163

Linebarger Goggan Blair & Sampson
2777 N. Stemmons Freeway
Suite 1000
Dallas, TX 75207-2328

McKinney Trailer Rentals
2723 Carl Rd
Irving, TX 75062-6440

Nets Trailer Leasing of Texas
902 W Oakdale Rd
Grand Prairie, TX 75050-7308

Princeton ISD
C/O PERDUE, BRANDON, FIELDER, ET AL
500 E. Border St. Ste. 640
Arlington, TX 76010-7457

Southern Tire Mart
Dept 143
P.O. Box 1000
Memphis, TN 38148-0143

SunRise Trucking Inc.
8421 McKissick Meadows Rd.
Princeton, TX 75407-2519

Texas Workforce Commission
101 East 15th Street
Austin, TX 78778-0001

U. S. Attorney
110 N. College Ave.
Suite 700
Tyler, TX 75702-0204

U. S. Trustee's Office
110 N. College Street
Suite 300
Tyler, TX 75702-7231

U.S. Attorney General
Department of Justice
Main Justice Building
10th & Constitution Ave., NW
Washington, DC 20530-0001

US Trustee
Office of the U.S. Trustee
110 N. College Ave.
Suite 300
Tyler, TX 75702-7231

United Rental
3515 Trailer Dr
Charlotte, NC 28269-4401

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Comptroller of Public Accts
Rev Acctg Div/Bankruptcy Dept
PO BOX 13528
Austin, TX 78711

End of Label Matrix
Mailable recipients 21
Bypassed recipients 0
Total 21